IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 29TH MARCH 2007 / 8TH CHAITHRA 1929

WP(C).No. 7701 of 2007(P)

PETITIONERS:
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1. T.T.ANTONY S/O. THOMAS, AGED 66,
KALARI THOTTINGA PADAVUPADAM, THEKKINATH HOUSE,
VALAVAZHI ROAD, ANGAMALY P.O.

2. E.A.YOHANNAN, S/O.ANTHAPPAN,
AGED 48 YEARS, EARALI HOUSE, VALAVAZHI ROAD,
ANGAMALY P.O.

BY ADV. SRI.S.SREEKUMAR

RESPONDENTS:
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1. REVENUE DIVISIONAL OFFICER,
FORT COCHIN.

2. THE THAHASILDAR,
ALUVA TALUK.

3. CIRCLE INSPECTOR OF POLICE,
ANGAMALY POLICE STATION,
ANGAMALY.

4. JOSEPH PUTHUPARA,
PUTHUPARA HOUSE, KINDANGOOR P.O. ANGAMALY.

5. RAJAN, S/O.AYYAPPAN,
KORATTU HOUSE, KIDANGOOR P.O. ANGAMALLY.

BY ADV. SRI.GEORGE ABRAHAM R5
SRI.O.K.MURALEEDHARAN FOR
SRI.GEORGE THOMAS (MEVADA)FOR R4
GOVERNMENT PLEADER SRI.P.A. SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 7701 of 2007(P)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF REPRESENTATION SUBMITTED BEFORE THE 1ST RESPONDENT BY THE PETITIONERS AND OTHERS.

EXT.P2: COPY OF COMMISSION REPORT FILED BY COMMISSIONER.

EXT.P3: COPY OF JUDGMENT DATED 24.6.2005IN W.P.(C).NO.1928/2005.

EXT.P4: COPY OF ORDER NO.K.453/05 DATED 30.10.2006.

RESPONDENT'S EXHIBITS:

EXT.R4(a): COPY OF THE LETTER DATED 19.12.2001.

EXT.R4(b): COPY OF THE COMMISSION REPORT DATED 03.03.2005.

EXT.R4(c): COPY OF THE OBJECTION DATED 23.06.2005.

EXT.R4(d): COPY OF THE BUILDING PERMIT DATED 11.08.2006.

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BKN // TRUE COPY//

P.A. TO JUDGE.

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C).NO. 7701 OF 2007

Dated this the 29th day of March, 2007.

JUDGMENT

Koshy, J.

This is a petition for police protection. It is submitted by the counsel for the petitioner that after issuing Ext.P4, the respondents undertook that they will not reclaim the property. If construction of compound wall by respondent affect any easement rights of the petitioner, he can approach the Civil Court for appropriate orders. In the absence of any prohibitory orders, he cannot seek police protection against construction of compound wall. After reading the petition and counter affidavit, we are of the view that disputed questions of facts are involved. After Ext.P4, petitioner did not approach to statutory authorities. If there are any violation of Ext.P4, it is for the petitioner to approach the R.D.O. itself. Hence no further orders are passed in this Writ Petition.

The Writ Petition is disposed of accordingly.

J.B.KOSHY, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

bkn